

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

A.F.N., by her Parent and Natural Guardian,
DINORAH NOUEL-PEGUERO,

Plaintiff,

-against-

MONTEFIORE MEDICAL CENTER, YASH
CHAVDA, M.D., CHRISTOPHER
CAVAGNARO, M.D., and EVA RYNJAH,
M.D.,

Defendants.

No. 22 Civ. 5590 (PGG)

**STIPULATION AND ORDER
OF DISMISSAL**

WHEREAS, on or about December 19, 2019, Plaintiff A.F.N. (“Plaintiff”), by her Parent and Natural Guardian, Dinorah Nouel-Peguero, commenced an action for medical malpractice naming as a defendant Eva Rynjah, M.D. (“Dr. Rynjah”), in the Supreme Court of the State of New York, County of Bronx, Index No. 35052/2019E (the “State Action”).

WHEREAS, on or about June 30, 2022, the State Action was removed to the District Court for the Southern District of New York by Dr. Rynjah, and assigned Case Number 22 Civ. 5590 (PGG).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties, by their respective counsel, pursuant to Federal Rule of Civil Procedure 41(a)(2), as follows:

1. The United States is hereby substituted as defendant in place of Dr. Rynjah.
2. Plaintiff’s claims against the United States only are dismissed without prejudice.
3. This Stipulation and Order of Dismissal (the “Stipulation and Order”) may be executed in counterparts; a reproduced signature shall have the same force and effect as an original signature; and a facsimile or electronic copy of the Stipulation and Order shall have the same force and effect as an original.
4. The undersigned parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises,

agreements or negotiations, oral or otherwise, between the undersigned parties or their counsel that are not included herein shall be of any force or effect.

Dated: July 7, 2022
New York, New York

MICHELSTEIN & ASHMAN, PLLC

By: 

GIL WINOKUR
485 Madison Avenue, Suite 1600
New York, New York 10022
Tel.: (212) 588-0880

Counsel for Plaintiff

Dated: July 13, 2022
New York, New York


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

ALYSSA B. O'GALLAGHER
Assistant United States Attorney
86 Chambers Street, 3rd Floor
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*Counsel for the United States of
America*

SO ORDERED:


HON. PAUL G. GARDEPHE
U.S.D.J.
Dated: July 15, 2022